

		ON AND POWER OF	Attorney Docket Numt	) OF	42P17342	
ATTORNEY		PATENT APPLICATION	First Named Inventor	Jia	anping Xu	
	(37	CFR 1.63)	0	OM	IPLETE IF KNOWN	
,		_	Application Number	10	0/816,026	
Declaration Submitted	OR	Declaration Submitted after Initial	Filing Date	М	larch 31, 2004	
with Initial Filing	ÜK	Filing (surcharge (37 CFR 1.16(e))	Art Unit			
······g		required)	Examiner Name			

#### As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR OPTICAL SIG	NALING
(Title of the Invention)	
the specification of which	
is attached hereto.	
OR	
🔀 was filed on (if applicable):	
or as United States Application Number PCT International Application Number	10/816,026
and was amended on	(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applic	ation(s)
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Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
				Yes No
				□Yes □No
				☐Yes ☐No
l. İ				☐Yes ☐No
				☐Yes ☐No

#### **Appointment of Practitioners:**

I hereby appoint the practitioners associated with Customer Number: <u>45209</u> as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

If this patent application is assigned, then the undersigned hereby authorizes the patent attorneys and patent agents named herein to accept and follow instructions from the assignee(s) as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the patent attorneys and patent agents and the undersigned. In the event of a change in the persons from whom instructions may be taken, at least one patent attorney or patent agent named herein will be so notified by the undersigned.

#### Correspondence:

Direct all correspondence to Customer Number 08791,

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE	OR FIRST INVENTOR:	☐ A petition has been filed fo	r this undersigned inventor
Full Name:		Jianping Xu	
	(First, Middl	e [if any], Family Name (or Surname),	and Suffix [if any])
Inventor's Signatur	re Liens	Date _	7/16/2004
			,
Residence Por	tland, Oregon USA	Citizenship	USA
	(City, State, Coun	try)	(Country)
Mailing Address	1529 NW Slocum Way		
	Portland, Oregon 97229 US	A	

il Name:	1	Sabrice Paillet	
		ily Name (or Surname), and Suffix [	fany])
ventor's Signatu	ie ta	Date 67/6/	2004
esidence <u>Hi</u>	Usboro, Oregon USA	Citizenship France	
-::: A -d-d	(City, State, Country)		(Country)
ailing Address	1691 NE 64th Avenue		
	Hillsboro, Oregon 97124 USA		···
ME OF THIRD	INVENTOR:	been filed for this undersigned	linventor
l Name:		D	
l Name:		Γ <mark>anay Karnik</mark> ily Name (or Surname), and Suffix [i	famil)
ventor's Signatu		ny Name (or Surname), ana Sujjix [1]  Date	unyj)
onto o orginatu		Date	
sidence Por	tland, Oregon USA	Citizenship USA	
	(City, State, Country)		(Country)
iiling Address	3574 NW Blackcomb Drive		
•	Portland, Oregon 97229 USA	peen filed for this undersigned	inventor
AME OF FOURT	Portland, Oregon 97229 USA  TH INVENTOR:	neen filed for this undersigned	inventor
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AME OF FOURT	Portland, Oregon 97229 USA  TH INVENTOR: A petition has a Doi  (First, Middle [if any], Fame	nald S. Gardner	
AME OF FOURT  II Name:  entor's Signatur	Portland, Oregon 97229 USA  TH INVENTOR: A petition has a position has a period of the position of the positio	nald S. Gardner ly Name (or Surname), and Suffix (t) Date	
AME OF FOURT	Portland, Oregon 97229 USA  TH INVENTOR: A petition has a position	nald S. Gardner ly Name (or Surname), and Suffix [tj	^any])
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AME OF FOURT  Il Name:  rentor's Signatur sidence Mo	Portland, Oregon 97229 USA  TH INVENTOR: A petition has a position	nald S. Gardner ly Name (or Surname), and Suffix (t) Date	(Country)
AME OF FOURT II Name: rentor's Signatur sidence Mo ailing Address	Portland, Oregon 97229 USA  TH INVENTOR: A petition has a position	nald S. Gardner  ly Name (or Surname), and Suffix (t)  Date  Citizenship USA	(Country)
AME OF FOURT II Name: rentor's Signatur sidence Mo	Portland, Oregon 97229 USA  TH INVENTOR: A petition has a position has a petition	nald S. Gardner  ly Name (or Surname), and Suffix (t)  Date  Citizenship USA  Deen filed for this undersigned	(Country)
MME OF FOURT II Name: rentor's Signatur sidence Mo siling Address MME OF FIFTH I	Portland, Oregon 97229 USA  TH INVENTOR: A petition has a position has a petition	nald S. Gardner  If Name (or Surname), and Suffix [t]  Date  Citizenship USA  Deen filed for this undersigned  By Name (or Surname), and Suffix [t]	(Country)
AME OF FOURT II Name: rentor's Signatur sidence Mo ailing Address	Portland, Oregon 97229 USA  TH INVENTOR: A petition has a position has a petition	nald S. Gardner  ly Name (or Surname), and Suffix (t)  Date  Citizenship USA  Deen filed for this undersigned	(Country)
AME OF FOURTH IN Name:  Sidence Moniting Address  AME OF FIFTH IN Name:  entor's Signature	Portland, Oregon 97229 USA  TH INVENTOR: A petition has a position has a petition	nald S. Gardner  If Name (or Surname), and Suffix [i]  Date  Citizenship USA  Deen filed for this undersigned  By Name (or Surname), and Suffix [i]  Date	(Country)
MME OF FOURT II Name: rentor's Signatur sidence Mo siling Address MME OF FIFTH I	Portland, Oregon 97229 USA  TH INVENTOR:	nald S. Gardner  If Name (or Surname), and Suffix [t]  Date  Citizenship USA  Deen filed for this undersigned  By Name (or Surname), and Suffix [t]	(Country) inventor
AME OF FOURTH IN Name:  Sidence Moniting Address  AME OF FIFTH IN Name:  entor's Signature	Portland, Oregon 97229 USA  TH INVENTOR: A petition has a position has a petition	nald S. Gardner  If Name (or Surname), and Suffix [i]  Date  Citizenship USA  Deen filed for this undersigned  By Name (or Surname), and Suffix [i]  Date	(Country)



# Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of action that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by \$§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the Information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filling date of the continuation-in-part application.



# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (37 CFR 1.63)

Declaration Submitted with Initial Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16(e))
regulaed)

Attorney Docket Numb	er	42P17342	$\overline{}$
First Named Inventor	Jia	inping Xu	
	ОМ	PLETE IF KNOWN	
Application Number	10	0/816,026	
Filing Date	М	arch 31, 2004	
Art Unit			
Examiner Name			

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the specification of which	
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Prior	Foreign	Applies	ation(e)
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Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
				☐Yes ☐ No
				☐Yes ☐No
				∐Yes □No
·	•			∐Yes ∐No
				∐Yes ∐No

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name:			Jianping Xu	
		(First, Middle [if any], Fan	nily Name (or Surname), and Suff	ix [if any])
Inventor's Sig	natu	re	Date	
Residence	Por	rland, Oregon USA	Citizenship USA	
		(City, State, Country)	<del></del>	(Country)
Mailing Addre	ess	1529 NW Slocum Way		
		Portland, Oregon 97229 USA		

ull Name:	Fab	rice Paillet	
	(First, Middle [if any], Family		nd Suffix [if any])
nventor's Signature	9	Date	
Residence Hills	eboro, Oregon USA	Citizenship	France
	(City , State, Country)		(Country)
Mailing Address	1691 NE 64th Avenue		
	Hillsboro, Oregon 97124 USA		
AME OF THIRD II			dersigned Inventor
uli Name:	(Fjrst Middle Lif any), Family I	Nama (or Surnama) a	ad Cuffin (if am.))
nventor's Signature		Date	<u> </u>
mornor o dignatare			+120104
Residence Portla	and, Oregon USA	Citizenship	USA
	(City, State, Country)		(Country)
ailing Address	3574 NW Blackcomb Drive		
ū	Portland, Oregon 97229 USA	en filed for this und	lersigned inventor
IAME OF FOURTH	Portland, Oregon 97229 USA  I INVENTOR:	d S. Gardner	
IAME OF FOURTH	Portland, Oregon 97229 USA  HINVENTOR: A petition has been Donald (First, Middle [if any], Family N	d S. Gardner Name (or Surname), an	
IAME OF FOURTH	Portland, Oregon 97229 USA  HINVENTOR: A petition has been Donald (First, Middle [if any], Family N	d S. Gardner	
IAME OF FOURTH	Portland, Oregon 97229 USA  H INVENTOR: A petition has bee  Donald  (First, Middle [if any], Family N	d S. Gardner Name (or Surname), an	ud Suffix [if any])
IAME OF FOURTH full Name:	Portland, Oregon 97229 USA  HINVENTOR: A petition has been Donald (First, Middle [if any], Family N	d S. Gardner Name (or Surname), an	ud Suffix [if any])
IAME OF FOURTH  ull Name:  nventor's Signature desidence Mour	Portland, Oregon 97229 USA  H INVENTOR: A petition has bee Donald (First, Middle [if any], Family Management of the Property o	d S. Gardner Name (or Surname), an	ud Suffix (if any]) USA
AME OF FOURTH  ull Name:  ventor's Signature  esidence Mour	Portland, Oregon 97229 USA  H INVENTOR: A petition has been been been been been been been bee	d S. Gardner Name (or Surname), an	ud Suffix (if any]) USA
IAME OF FOURTH  ull Name:  nventor's Signature desidence Mour	Portland, Oregon 97229 USA  HINVENTOR: A petition has been bonald (First, Middle [if any]. Family Management of the Country)  1 A petition has been bonald (First, Middle [if any]. Family Management of the Country)  1 A petition has been bonald (First, Middle [if any]. Family Management of the Country (City , State, Country)  2 2 2 3 1 Oaktree Drive	d S. Gardner Name (or Surname), an	ud Suffix (if any]) USA
NAME OF FOURTH Full Name:  nventor's Signature Residence Moun Mailing Address  NAME OF FIFTH IN	Portland, Oregon 97229 USA  HINVENTOR: A petition has been bonale (First, Middle [if any], Family Note that the control of the	d S. Gardner  Name (or Surname), an  Date  Citizenship	ud Suffix (if any))  USA (Country)
NAME OF FOURTH Full Name:  Inventor's Signature Residence Moun Mailing Address  NAME OF FIFTH IN	Portland, Oregon 97229 USA  HINVENTOR: A petition has bee Donald (First, Middle [if any], Family Management of the Country)  2281 Oaktree Drive  Mountain View, California 94040 USA  IVENTOR: A petition has bee	d S. Gardner  Name (or Surname), an  Date  Citizenship  en filed for this und	ud Suffix (if any])  USA (Country)  ersigned inventor
IAME OF FOURTH full Name:  nventor's Signature Residence Moun falling Address  IAME OF FIFTH IN	Portland, Oregon 97229 USA  HINVENTOR: A petition has been Donald (First, Middle [if any], Family Management of the Country)  2281 Oaktree Drive Mountain View, California 94040 USA  WENTOR: A petition has been USA  (First, Middle [if any], Family Management of the Country Middle [if any], Family Middle [if any], Fami	d S. Gardner  Vame (or Surname), an  Date  Citizenship  en filed for this und	ud Suffix (if any])  USA (Country)  ersigned inventor
IAME OF FOURTH full Name:  nventor's Signature Residence Moun falling Address  IAME OF FIFTH IN	Portland, Oregon 97229 USA  HINVENTOR: A petition has been Donald (First, Middle [if any], Family Management of the Country)  2281 Oaktree Drive Mountain View, California 94040 USA  WENTOR: A petition has been USA  (First, Middle [if any], Family Management of the Country Middle [if any], Family Middle [if any], Fami	d S. Gardner  Name (or Surname), an  Date  Citizenship  en filed for this und	ud Suffix (if any])  USA (Country)  ersigned inventor
NAME OF FOURTH  Full Name:  Inventor's Signature Residence Mount  Mailing Address  IAME OF FIFTH IN  Full Name:  Inventor's Signature	Portland, Oregon 97229 USA  HINVENTOR: A petition has been Donald (First, Middle [if any], Family Management of the Country)  2281 Oaktree Drive Mountain View, California 94040 USA  WENTOR: A petition has been USA  (First, Middle [if any], Family Management of the Country Middle [if any], Family Middle [if any], Fami	d S. Gardner  Vame (or Surname), an  Date  Citizenship  en filed for this und	ud Suffix (if any])  USA (Country)  ersigned inventor
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IAME OF FOURTH full Name:  nventor's Signature Residence Mount failing Address  IAME OF FIFTH IN full Name:  nventor's Signature	Portland, Oregon 97229 USA  HINVENTOR: A petition has bee Donald (First, Middle [if any], Family Management of Middle (First,	d S. Gardner  Vame (or Surname), an  Date  Citizenship  en filed for this und	USA (Country)  ersigned inventor  of Suffix (if any))

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AUG 1 6 2004 U

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (37 CFR 1.63)

Attorney Docket Number | 42P17342

First Named Invontor | Jianping Xu

COMPLETE IF KNOWN

Application Number | 10/816,026

Filing Date | March 31, 2004

Art Unit | Examiner Name

Declaration
Submitted
with Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16(e))
required)

### As a below named inventor, I hereby declare that:

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PTIOT.	Forelan.	ADDICE	100NS):

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
				☐Yes ☐No
		·- ·		☐Yes ☐No

### **Appointment of Practitioners:**

I hereby appoint the practitioners associated with Customer Number: <u>45209</u> as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

If this patent application is assigned, then the undersigned hereby authorizes the patent attorneys and patent agents named herein to accept and follow instructions from the assignee(s) as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the patent attorneys and patent agents and the undersigned. In the event of a change in the persons from whom instructions may be taken, at least one patent attorney or patent agent named herein will be so notified by the undersigned.

## Correspondence:

Direct all correspondence to Customer Number 08791,

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

OR FIRST INVENTOR:	A petition has been filed for this undersigned inventor
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08/16/04

# Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability.

examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor end good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no petent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compets a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paregraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.